Calendar No. 338

100TH CONGRESS
1st Session

SENATE

REPORT
100-175

AMENDING THE NATIONAL TRAILS SYSTEM ACT TO DESIGNATE THE TRAIL OF TEARS AS A NATIONAL HISTORIC TRAIL

SEPTEMBER 25, 1987.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 578]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 578) to amend the National Trails System Act to designate the Trail of Tears as a National Historic Trail, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

S. 578 would add the Trail of Tears National Historic Trail as a component of the National Trails System.

BACKGROUND AND NEED

Public Law 98-11, approved March 28, 1983, amended section 5(c) of the National Trails System Act to authorize a study of the Trail of Tears, extending from the vicinity of Murphy, NC, through Georgia, Alabama, Tennessee, Kentucky, Illinios, Missouri, and Arkansas, to the vicinity of Tahlequah, OK. The Park Service has completed that study, and based on its findings recommends that the Trail of Tears be designated by Congress as a component of the National Trails System. The Trail of Tears refers to the routes taken by members of the Cherokee Indian Nation in June of 1838 and during the fall and winter of 1838-39, from their traditional tribal territory in Georgia to Oklahoma.

The National Park System Advisory Board has determined that the Cherokee Trail of Tears is of national historical significance.

S313-25

The study report recommends designation of trail corridors comprising two routes: The water routes used for the removal of 3,000 Cherokees during the summer of 1838, and a principal overland route taken by most of 13,000 Cherokees during the fall and winter of 1838–39. Three side or connecting trails would also be designated.

Under section 5(d) of the National Trails System Act, the Secretary is required within 1 year of designation to appoint an advisory council for the trail representing Federal land managing agencies and States through which the trail passes, landowners, and interested private entities. Under section 5(f) of the act the Park Service is required within 2 years to prepare and submit to the committees a comprehensive plan for the management and use of the trail. With the help of the advisory council, the plan will identify historic sites and locations for interpretive exhibits which are authorized under section 7(c) of the Act. No additional Federal land acquisition is contemplated.

The bill requires that the Park Service give careful consideration to interpretive sites in the vicinity of Hopkinsville, KY.

Legislative History

S. 578 was introduced by Senator Ford on February 23, 1987. A hearing was held by the Subcommittee on Public Lands, National Parks and Forests on July 30, 1987. At a business meeting on September 16, 1987, the Senate Committee on Energy and Natural Resources ordered S. 578 favorably reported.

Committtee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on September 16, 1987, by unanimous vote of a quorum present recommends that the Senate pass S. 578 as described herein.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Bradley *	
Mr. Bingaman *	
Mr. Wirth	
Mr. Fowler *	
Mr. Conrad	
Mr. McClure	
Mr. Hatfield *	
Mr. Domenici *	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles *	
Mr. Hecht	
Mr. Evans	

* Indicates voted by proxy.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, September 22, 1987.

Hon. J. Bennett Johnston, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 578, a bill to amend the National Trails System Act to designate the Trail of Tears as a National Historic Trail, as ordered reported by the Senate Committee on Energy and Natural Resources, September 16, 1987.

S. 578 would provide that the Trail of Tears be administered as a National Historic Trail by the Department of the Interior. Based on information provided by the National Park Service, CBO estimates that initial costs of about $150,000 would be incurred during fiscal years 1988 and 1989 for activities related to the establishment of the trail. Ongoing operating and maintenance expenses are not expected to be significant.

Enactment of the bill would not affect the budgets of state and local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes.

Sincerely,

Edward M. Gramlich,
Acting Director.

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 578. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 578, as reported.

Executive Communications

The pertinent legislative reports received by the Committee from the Departments of the Interior and Agriculture setting forth executive agency recommendations relating to S. 578 are set forth below:

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

AUG 12 1987

Honorable J. Bennett Johnston
Chairman, Committee on Energy
and Natural Resources
United States Senate
Washington, D.C. 20510

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
AUG 1.
WASHINGTON, D.C.

Dear Mr. Chairman:

This responds to your request for our views on S. 578, a bill "To amend the National Trails System Act to designate the Trail of Tears as a National Historic Trail."

We recommend the enactment of S. 578.

Public Law 98-11, approved March 28, 1983, amended section 5(c) of the National Trails System Act to authorize a study of the Trail of Tears, extending from the vicinity of Murphy, North Carolina, through Georgia, Alabama, Tennessee, Kentucky, Illinois, Missouri, and Arkansas, to the vicinity of Tahlequah, Oklahoma. The Trail of Tears refers to the routes taken by members of the Cherokee Indian Nation, in June of 1838 and during the fall and winter of 1838-39, from their traditional tribal territory in Georgia to Oklahoma. We have completed our study, and based on its findings we recommend that the Trail of Tears be designated by Congress as a component of the National Trails System.

The National Park System Advisory Board has determined that the Cherokee Trail of Tears is of national historical significance.

Our study report recommends designation of trail corridors comprising two routes: the water routes used for the removal of 3,000 Cherokees during the summer of 1838, and a principal overland route taken by most of 13,000 Cherokees during the fall and winter of 1838-1839. Three side or connecting trails would also be designated.

Under section 5(d) of the National Trails System Act, the Secretary is required within one year of designation to appoint an advisory council for the trail representing Federal land-managing agencies and States through which the trail passes, landowners, and interested private entities. Under section 5(f) of the Act, we are required within two years to prepare and submit to certain Congressional

Committees a comprehensive plan for the management and use of the trail. With the help of the advisory council, the plan will identify historic sites and locations for interpretive exhibits which are authorized under section 7(c) of the Act. No additional Federal land acquisition is contemplated.

We note that the bill would require us to give careful consideration to interpretive sites in the vicinity of Hopkinsville, Kentucky. The study report did find that interpretive facilities would be appropriate at Paducah or Hopkinsville, Kentucky, and our plan will reflect consideration of these areas. We estimate that the cost of preparing the plan will be approximately $150,000.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Susan Recce

ACTING ASSISTANT SECRETARY Susan Recce

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D C 20250

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
AUG
WASHINGTON, D.C. 20510

July 30 1987

Honorable J. Bennett Johnston
Chairman, Committee on Energy
and Natural Resources
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

As you requested, here is our report on S. 578, a bill "To amend the National Trails System Act to designate the Trail of Tears as a National Historic Trail."

The Department of Agriculture does not object to the enactment of S. 578, insofar as it would affect this Department. We defer to the Department of the Interior for an overall recommendation on this legislation.

S. 578 would amend section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) by adding a paragraph designating the Trail of Tears as a National Historic Trail. The trail would go through portions of Georgia, North Carolina, Alabama, Tennessee, Kentucky, Illinois, Missouri, Arkansas, and Oklahoma. Section 2 of the bill would amend section 10(c)(2) of the National Trails System Act to authorize appropriations to implement the provisions of the Act with respect to the Trail of Tears. The Secretary of the Interior would administer the Trail of Tears.

We reviewed and concurred with the recommended actions in the report prepared by the Department of the Interior analyzing the route of the Trail of Tears to determine the feasibility and desirability of designating the trail as a National Historic Trail. If S. 578 is enacted, we anticipate no significant impacts on the management of National Forest System lands. We would be pleased to cooperate with the National Park Service in the marking and management of those portions of the trail that cross National Forest System lands.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Richard E. Lyng

RICHARD E. LYNG
Secretary

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, S. 578, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL TRAILS SYSTEM ACT

AN ACT To establish a national trails system, and for other purposes

* * * * * * *

NATIONAL SCENIC AND NATIONAL HISTORICAL TRAILS

SEC. 5. (a) National scenic and national historic trails shall be authorized and designated only by Act of Congress. There are hereby established the following National Scenic and National Historic Trails:

* * * * * * *

(14)(A) The Trail of Tears National Historic Trail, a trail consisting of water routes and overland routes traveled by the Cherokee Nation during its removal from ancestral lands in the East to Oklahoma during 1838 and 1839, generally located within the corridor described through portions of Georgia, North Carolina, Alabama, Tennessee, Kentucky, Illinois, Missouri, Arkansas, and Oklahoma in the final report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled "Trail of Tears" and dated June 1986. Maps depicting the corridor shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears except with the consent of the owner thereof.

(B) In carrying out his responsibilities pursuant to subsections 5(f) and 7(c) of this Act, the Secretary of the Interior shall give careful consideration to the establishment of appropriate interpretive sites for the Trail of Tears in the vicinity of Hopkinsville, Kentucky.

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AUTHORIZATION OF APPROPRIATIONS

SEC. 10. (a)(1)* * *

* * * * * * *

(c)(1)* * *

(2) There is hereby authorized to be appropriated for fiscal year 1983 and subsequent fiscal years such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs (9) through [(13)] *(14)* of section 5(a) of this Act. Not more than $500,000 may be appropriated for the purposes of acquisition of land and interests therein for the trail designated by section 5(a)(12) of this Act, and not more than $2,000,000 may be

appropriated for the purposes of the development of such trail. The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.

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